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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,415	11/28/2001	Steven A. Van Slyke	83401RLO	4107

7590 10/16/2002
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EXAMINER

BUEKER, RICHARD R

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 10/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

ms 8

Office Action Summary

Application No.

09/996,415

Applicant(s)

VAN SLYKE ET AL

Examiner

Richard Bueker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 October 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Claims 1, 3-6, 15 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn in view of Green and Yamazaki for the reasons stated in the first office action (paper no. 2, mailed Feb.13, 2002). Regarding the newly added recitations of a bias heater power supply and a vaporization heater power supply, it is noted that Spahn's apparatus includes first and second electric resistance heaters, and both heaters have a power supply. While Spahn's two heaters share the same power supply, it is noted that applicants' claims as amended do not require the recited bias heater power supply and vaporization heater power supply to be two separate power supplies, and thus Spahn's power supply for operating two heaters meets the newly added power supply limitations.

Claims 2, 8-14, 16 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn in view of Green and Yamazaki and taken in further view of Tanabe and Takagi for the reasons stated in the first office action (paper no. 2, mailed Feb 13, 2002).

Claims 7 and 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn in view of Green, Yamazaki, Tanabe and Takagi, and in further view of Steube for the reasons stated in the first office action (paper no. 2, mailed Feb.13, 2002).

Claims 1, 3-6, 15 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn in view of Green and Yamazaki for the reasons stated in the first office action (paper no. 2, mailed Feb.13, 2002), and in further view of Soden (5,532,102). Soden (see Figs. 5 and 7, and col. 21, line 45 to col. 22, line 63) discloses

a vacuum evaporation crucible source analogous to that of Spahn, Green and Yamazaki. Soden's evaporation source includes a crucible body and a lid defining a linear vapor efflux aperture. Soden's evaporation source includes an electric resistance heater for heating the crucible and a separate electric resistance heater for heating the lid. Soden teaches that both heaters can be heated by the same power source (as in Spahn) or a separate power source can be provided for each heater. Soden teaches that both alternatives provide acceptable results, but that the embodiment using two separate power sources is more desirable because it desirably provides independent control of the two heaters for more operating flexibility. If, for argument's sake, applicants' claims were considered to require two separate power supplies for the recited bias heater and vaporization heater, such would have been obvious, because it would have been obvious from the teachings of Soden to provide two separate power sources for the two heaters of Spahn to provide independent control and more operating flexibility.

Claims 2, 8-14, 16 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn in view of Green, Yamazaki and Soden for the reasons stated above, and taken in further view of Tanabe and Takagi for the reasons stated in the first office action (paper no. 2, mailed Feb.13, 2002).

Claims 7 and 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spahn in view of Green, Yamazaki, Soden, Tanabe and Takagi, and in further view of Steube for the reasons stated in the first office action (paper no. 2, mailed Feb.13, 2002).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Bueker whose telephone number is (703) 308-1895. The examiner can normally be reached on 9 AM - 5:30 PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on (703) 308-1633. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Richard Bueker

Richard Bueker
Primary Examiner
Art Unit 1763

October 12, 2002